

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:11-cr-00370-FDW

UNITED STATES OF AMERICA, )  
 )  
vs. )  
 )  
HARVEY LEE MUNGRO, JR., ) ORDER  
 )  
Defendant. )  
\_\_\_\_\_ )

THIS MATTER is before the Court on Defendant's pro se Motions for Compassionate Release and a Reduction in Sentence under the First Step Act of 2018 (Doc. No. 46), and Motions for Appointment of Counsel (Doc. No. 45, 46).

The Court hereby ORDERS the Government to respond to Defendant's motions. The Government shall have **thirty (30) days** from the date of this Order to file its response with the Court. The Government shall advise the United States Probation Office if the Government believes a supplemental Presentence Investigation Report will be required.

With respect to the Motion to Appoint Counsel, criminal defendants have no right to counsel beyond their first appeal. E.g., United States v. Kenny, No. 3:01-cr-00185-FDW, 2020 WL 2094116, at \*1 (W.D.N.C. Apr. 30, 2020); United States v. Ismel, No. 3:94-CR-00008-1, 2012 WL 113392, at \*1 (W.D. Va. Jan. 13, 2012). Defendant has not shown extraordinary circumstances warranting the appointment of counsel at this time. The Motions (Doc. No. 45, 46) are therefore DENIED.

IT IS THEREFORE ORDERED:


1. The Government *must* respond to the Defendant's Motions for Compassionate Release

and Reduction of Sentence under the First Step Act of 2018 (Doc. No. 46) within **thirty (30) days**; and

2. Defendant's Motion to Appoint Counsel (Doc. No. 45, 46) are DENIED.

IT IS SO ORDERED.

Signed: September 30, 2020

  
Frank D. Whitney  
United States District Judge

